IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5368 of 1998
With
SPECIAL CIVIL APPLICATION No. 3876 of 1992

For Approval and Signature:

HONOURABLE MR.JUSTICE SHARAD D.DAVE

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

JIVABHAI BARALBHAI & 4 - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :
MR PS CHAMPANERI for Petitioner(s) : 1 - 5.
Ms.Rita Chandarana, AGP for Respondent(s) : 1 - 3.
==========

CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 25/10/2005

COMMON CAV JUDGMENT

1.Since these petitions involve the common question, the same are being disposed of by this common judgment.

2. By filing these petitions, the petitioners have prayed to issue appropriate writ, order or direction directing the respondents to extend the benefits of the Government Resolution dated 17.10.1988 to the petitioners from retrospective effect with 18% interest and also to regularise the service of the petitioners in light of the Government Resolution dated 17.10.1988 and to grant all consequential benefits.

3. It is submitted by the learned advocate appearing for the petitioners that the petitioners are working as daily rated employees and the petitioners are entitled to the benefits of the Government Resolution dated 17.10.1988.

4. On the other-hand, it is submitted by the learned AGP appearing for the respondents that the resolution dated 17.10.1988 was made applicable to the daily wagers who are working for maintenance and repairs of construction in various departments of the Government including the Forest Department and, therefore, the same benefits should not be extended to the petitioners herein also.

5. It is also brought to the notice of this Court that the issue involved in this petition has been decided by Full Bench of this court in the case of Gujarat Forest Producers, Gatherers and Forests Workers Union V/s

State of Gujarat, reported in 2004(2) GLH 302. In the said decision, this Court has held that the Government Resolution dated 17.10.1988 is applicable to the daily wagers of the Forest and Environment Department engaged in the work of maintenance and repairs of constructions in that department and not to the daily wagers engaged in any other types of work in that department.

6. In the present case, as submitted by the learned AGP that the petitioners are not working as daily wagers engaged in the work of maintenance and repairs of construction. Since the Government Resolution dated 17.10.1988 is not applicable to the case of the petitioners, the grievance raised by the petitioners in these petitions cannot be entertained.

7. Under the circumstances, I do not find any substance in these petitions and therefore, the same deserve to be dismissed. Accordingly, these petitions are dismissed. Rule is discharged. Interim relief, if any, granted earlier stands vacated.

(SHARAD D DAVE, J)

pathan